

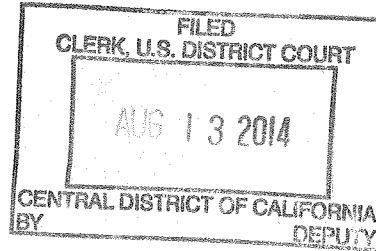
LODGED

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2014 AUG 12 PM 56

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

ORIGINAL



UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 11-762-PSG

Plaintiff,

CRIMINAL DOCUMENT FILED UNDER SEAL

v.

(UNDER SEAL)

JANETH BREWER,

Defendant.

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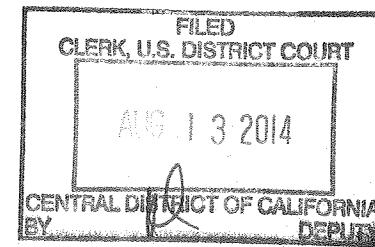
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15 Attorneys for Plaintiff  
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.

22 JANETH BREWER,

23 Defendant.

24 No. CR 11-762-PSG

25 CRIMINAL DOCUMENT FILED UNDER SEAL

26 (UNDER SEAL)

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1 STEPHANIE YONEKURA  
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15 Attorneys for Plaintiff  
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 NO. CR 11-762-PSG

21 Plaintiff,

22 GOVERNMENT'S MOTION FOR DOWNWARD  
DEPARTURE FOR SUBSTANTIAL  
ASSISTANCE PURSUANT TO USSG  
§ 5K1.1 AND STATEMENT OF  
SENTENCING POSITION

23 v.

24 JANETH BREWER,

25 [UNDER SEAL]

26 Date: August 25, 2014

27 Time: 10 a.m.

28 Plaintiff United States of America, by and through its counsel  
1 of record, the United States Attorney for the Central District of  
2 California and Assistant United States Attorney Paul G. Stern, hereby  
3 files its Motion For A Downward Departure Based on Defendant's  
4  
5  
6  
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8

1  
2 Substantial Assistance and Statement of Sentencing Position in the ~~case~~  
3 above-entitled matter.

4 Dated: August 12, 2014

Respectfully submitted,

5 STEPHANIE YONEKURA  
6 Acting United States Attorney

7 ROBERT E. DUGDALE  
8 Assistant United States Attorney  
Chief, Criminal Division

*Paul Stern*

9  
10 PAUL G. STERN  
11 Assistant United States Attorney

12 Attorneys for Plaintiff  
13 UNITED STATES OF AMERICA

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GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE  
AND STATEMENT OF SENTENCING POSITION

## I. INTRODUCTION

With this submission, the government makes a motion for a six-level downward departure based upon defendant Janeth Brewer's ("defendant") substantial assistance, pursuant to USSG § 5K1.1, and it also set forth its position with respect to:

8 (1) a reasonable sentence for defendant, consistent with defendant's  
9 applicable guideline range and other Section 3553 factors; and (2)  
10 the appropriate amount of restitution to be ordered in this matter.

11       Based upon the government's departure recommendation and its  
12 consideration of applicable section 3553 factors, the government  
13 respectfully submits that defendant should be sentenced based on a  
14 total offense level of 13 and a criminal history category of I,  
15 resulting in a guideline range of 12 to 18 months. Consistent with  
16 this range (falling in zone C of the Sentencing Table), the  
17 government respectfully recommends a custodial sentence of one year  
18 and a day in this case, along with imposition of a restitution  
19 obligation of \$1,915,955, to be followed by a two-year term of  
20 supervised release.

1       II. MOTION FOR A DOWNWARD DEPARTURE FOR SUBSTANTIAL ASSISTANCE

2       A. Introduction

3       The government hereby moves, pursuant to USSG § 5K1.1, for a  
4       six-level downward departure in defendant's otherwise applicable  
5       guidelines offense level, based upon defendant's substantial  
6       assistance in the prosecution of another person. The basis of the  
7       departure motion is elaborated below.

8       Among other assistance, defendant provided useful information  
9       and evidence, through pre-indictment interviews and document review  
10      and by making several consensually monitored undercover recordings,  
11      which resulted in two other targets of government investigations  
12      tendering pleas of guilty to related loan fraud misconduct. Based in  
13      part on defendant Brewer's cooperation, defendants Imelda Sanchez  
14      ("Sanchez") and Rosa Estrada ("Estrada") pled guilty to criminal  
15      misconduct involving loan fraud (among other offenses), and  
16      defendants Sanchez and Estrada have already been sentenced by this  
17      Court to terms of 36-months of imprisonment and 12-months of home  
18      detention, respectively, in United States v. Imelda Sanchez, CR 11-  
19      427-PSG, and United States v. Rosa Estrada, CR 11-1206-PSG.

20      Defendant resolved the case against her through a pre-indictment  
21      plea to conspiring with co-schemers Estrada and Sanchez to defraud  
22      several mortgage lenders by submitting false loan applications based  
23      on fraudulent verifications of deposit ("VODs") and fraudulent  
24      verifications of employment ("VOEs") for numerous borrowers submitted  
25      through a mortgage brokerage company called Capitol Mortgage  
26      Services, Inc. ("CMS"). While serving as a loan officer at CMS,  
27      defendant Brewer coordinated with co-schemers Estrada and Sanchez to  
28      obtain fraudulent VODs and VOEs that would enable CMS' borrowers to

1 qualify for loans based on false information submitted by CMS,  
2 through defendant Brewer, on behalf of its borrowers.

3 As a result in part of defendant Brewer's cooperation,  
4 defendants Sanchez and Estrada eventually decided to tender pleas of  
5 guilty to charges that involved their participation in related loan  
6 fraud, among other misconduct. Given that defendant provided timely  
7 cooperation, including making consensually monitored undercover  
8 recordings, which yielded guilty pleas in two other cases, the scope  
9 of the government's downward departure motion is appropriate here and  
10 properly reflects the magnitude and quality of the "substantial  
11 assistance" provided to the government by defendant.

12 On September 19, 2011, defendant entered her guilty plea to a  
13 one-count Information charging her with having conspired with two  
14 other persons affiliated with CMS, co-conspirators Estrada and  
15 Sanchez, to commit loan and wire fraud against various lenders by  
16 submitting false loan applications containing fraudulent VODs and  
17 VOEs for clients of CMS. The Probation Office ("USPO") has  
18 calculated defendant's total pre-departure advisory guidelines  
19 offense level as 19 (including credit for acceptance of  
20 responsibility), and her criminal history category as I, resulting in  
21 a pre-departure sentencing range of 30-37 months. The USPO's  
22 guidelines analysis tracks the guidelines calculation set forth in  
23 defendant's plea agreement. The substantial assistance departure  
24 recommended in this memorandum would result in an offense level of 13  
25 and a reduced sentencing range of 12-18 months, assuming a criminal  
26 history category of I. The government is also making a low-end  
27 sentencing recommendation here, proposing a custodial sentence of one  
28

1 year and one day, although it is not obligated to do so under the  
2 plea agreement.

3        **B. Factual Background**

4        The conduct at issue in this case is described in the detailed  
5 statement of facts that is attached as Exhibit B to defendant=s plea  
6 agreement. It is also described at paragraphs 13-41 of the  
7 Presentence Report ("PSR").

8        **C. Defendant's Guideline Calculation**

9        On September 19, 2011, defendant pled guilty to a single count  
10 Information charging her with a conspiracy to commit loan fraud and  
11 wire fraud, in violation of 18 U.S.C. § 371, thereby admitting her  
12 involvement in the mortgage fraud scheme set forth in the Information  
13 to which she pled guilty.

14        In her plea agreement, defendant stipulated that the base  
15 offense level for her conspiracy offense was 6, and that her offense  
16 was properly subject to a 16-level enhancement for loss in the range  
17 of \$1 million and \$2.5 million. Based upon the application of these  
18 adjustments, the government submits that defendant's total pre-  
19 departure advisory guideline offense level, including credit for  
20 acceptance of responsibility, is 19.

21        The USPO's calculation of defendant's advisory offense level  
22 accords with the government's analysis. Accordingly, the Probation  
23 Officer calculated defendant's total offense level to be 19, based  
24 upon an anticipated 3-level reduction for acceptance of  
25 responsibility. Thus, the Probation Officer determined that  
26 defendant=s pre-departure advisory guidelines range is 30-37 months,  
27 based upon her assessment that defendant's criminal history category  
28 is I. (PSR ¶¶ 45-57, 109). On January 30, 2012, the government

1 filed its Response to the PSR, concurring with the factual findings  
2 and guidelines analysis set forth therein.

3        **D. Defendant's Cooperation**

4        Defendant began cooperating with the government immediately upon  
5 being contacted by the Federal Bureau of Investigation ("FBI"), on  
6 October 4, 2007, when she admitted her wrongful conduct in preparing  
7 fraudulent loan applications for CMS' clients and in particular in  
8 obtaining fraudulent VODs from Rosa Estrada and false VOEs from  
9 Imelda Sanchez. She subsequently met with the government at a  
10 proffer session on October 10, 2007, accompanied by her attorney, and  
11 at that time she confirmed much of the same information she provided  
12 when she met with the FBI on October 4, 2007.

13        Brewer also met with the government on May 9, 2011 for a follow-  
14 up proffer session in which the details of her obtaining fraudulent  
15 VOE letters from co-schemer Imelda Sanchez was the subject of further  
16 inquiry. Apart from these two de-briefing sessions, defendant Brewer  
17 also made three successful consensually-monitored recordings of  
18 conversations with co-schemer Rosa Estrada and an associate of Imelda  
19 Sanchez, Salvador Ponce. All three of these undercover recordings  
20 resulted in evidence that incriminated Estrada and Sanchez and  
21 ultimately led to Estrada's and Sanchez's respective guilty pleas.

22        Following disclosure of the materials relating to defendant  
23 Brewer's cooperation, co-defendants Estrada and Sanchez entered pleas  
24 of guilty in their cases, on February 6, 2012 and February 11, 2013  
25 respectively.

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1                   E. Departure Recommendation

2                   1. Defendant's cooperation has been useful

3                   As set forth above, defendant's cooperation significantly  
4                   assisted the government in the investigation and successful  
5                   prosecution of Rosa Estrada and Imelda Sanchez. Absent defendant's  
6                   substantial assistance, the case against these two defendants would  
7                   have been measurably weaker.

8                   2. Defendant's cooperation has been truthful

9                   In her dealings with the government following her nearly-  
10                   immediate decision to cooperate, defendant made a good faith effort  
11                   to be fully forthcoming and candid. Her testimony was generally  
12                   consistent over time and was strongly corroborated by other evidence  
13                   collected in this case, both documentary and testimonial.

14                   3. Nature and extent of the assistance

15                   Defendant has provided substantial cooperation in assisting in  
16                   the investigation and prosecution of co-schemers Estrada and Sanchez  
17                   and has also freely answered questions about the conduct of other  
18                   individuals who worked at entities that perpetrated mortgage fraud.

19                   4. The departure provides a reasonable sentence

20                   The requested six-level downward departure will result in an  
21                   advisory sentencing range for defendant of 12-18 months, falling  
22                   within zone C of the sentencing table. Given the extensive scope,  
23                   value and quality of defendant's cooperation and the timeliness and  
24                   consistency of her account of her activities, as well as those of her  
25                   associates, the resulting sentencing range is fair and reasonable. A  
26                   custodial sentence of one year and a day represents a significant  
27                   punishment for defendant's fraudulent misconduct that resulted in  
28                   approximately \$2 million in bank losses, but at the same time it also

1 provides a measure of sentencing leniency that is appropriate given  
2 defendant's successful efforts to cooperate with the government in  
3 its prosecution of related co-schemers.

4 **III. RESTITUTION AND LOSS**

5 The PSR originally determined that the actual loss caused by  
6 defendant's conduct was \$1,655,932, based upon information regarding  
7 victims' losses available as of January 17, 2012 and compiled by the  
8 case agent in this matter, FBI Special Agent ("SA") Dieter Willkomm.  
9 (PSR ¶¶ 42, 49).

10 Pursuant to the government's request, SA Willkomm has recently  
11 received additional, and more current, information from all the  
12 affected victims in this matter and has summarized this information  
13 in a spreadsheet, which is entitled "Restitution Loss For Janeth  
14 Brewer Based [On] Conspiracy with Rosa Estrada and Imelda Sanchez."  
15 A copy of this summary spreadsheet, along with the documentary  
16 supporting documents from the affected victims, is attached as  
17 Exhibit A to the government's Sentencing Position.<sup>1</sup> Based on this  
18 spreadsheet and the information obtained by SA Willkomm, the  
19 government respectfully submits that the total restitution that  
20 should be ordered in this case is \$1,915,955, which should be paid to  
21 the victims at the addresses listed in the amounts set forth on  
22 Exhibit A.

23

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24 <sup>1</sup> Only one victim did not directly provide information to SA  
25 Willkomm regarding its actual loss, namely JP Morgan Chase in  
26 connection with its loan on the 1646 Chadwell property in Santa  
27 Maria, California. See note to Exh. A, explaining loss calculation.  
28 However, in this instance SA Willkomm was able to provide a  
reasonable estimate of the bank loss by subtracting from the loan  
principal balance the amount of funds JP Morgan Chase was able to  
collect through the sale of the collateral, resulting in a net loss  
to JP Morgan Chase of \$316,932.

1       The sentencing guidelines loss calculation, which reflects a  
2 slightly greater loss of \$2,020,682, is summarized in a second  
3 spreadsheet prepared by SA Willkomm, based upon the difference  
4 between the unpaid loan principal and the sales price of the  
5 collateral on which the lenders foreclosed. This guidelines loss  
6 spreadsheet is attached hereto as Exhibit B to the government's  
7 sentencing position. While this guidelines loss amount is somewhat  
8 higher than the loss amount set forth in the PSR (¶ 49), the  
9 difference does not materially affect the magnitude of the proper  
10 guidelines loss enhancement, namely, a 16-level enhancement, which  
11 applies where the loss amount falls between \$1 million and \$2.5  
12 million.

13 **IV. CONCLUSION**

14       For all the foregoing reasons, the government respectfully  
15 submits that defendant's total offense level should be calculated as  
16 13 and her guideline range, based on a criminal history category of  
17 I, is 12 to 18 months. Consistent with this range, the government  
18 recommends a custodial sentence for defendant of one year and one  
19 day, to be followed by a two-year term of supervised release, and  
20 imposition of restitution obligation of \$1,915,955.

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# EXHIBIT A

RESTITUTION LOSS FOR JANETH BREWER BASED CONSPIRACY WITH ROSA ESTRADA & IMELDA SANCHEZ

U.S. v. Janeth Brewer

Borrower	Address	Parties	Victim - Restitution Address	Victim Reported Loss Amount / Loss Calculation
Petra/Valente Sanchez Gonzales	735 W Rainier Way, Santa Maria, CA	Brewer/Estrada	Freddie Mac P.O. Box 730453 Dallas, Texas 75373 (972)395-4096	207,913
Manuel & Elizabeth Gayton	1109 Rosewood Dr, Santa Maria, CA	Estrada/Brewer	Freddie Mac P.O. Box 730453 Dallas, Texas 75373 (972)395-4096	189,600
Estella Sanchez	1038 Old Oak Rd., Santa Maria, CA	Estrada/Brewer	Freddie Mac P.O. Box 730453 Dallas, Texas 75373 (972)395-4096	109,900
Ofelia Venegas	1646 Chadwell Santa Maria, CA	Brewer/Estrada	JP Morgan Chase 1015 Deerwood Park Blvd. Building 400, Floor 05 Jacksonville, FL 32256-0566 (904)565-5085	316,932 *
Steven & Monica Palian	2530 Laurie Way, Arroyo Grande, CA	Brewer/Sanchez/Estrada	FDIC Acting as Receiver IndyMac Restitution Processing P.O. Box 971774 Dallas, TX 75397 (800) 568-9161	436,915

Borrower	Address	Parties	Victim - Restitution Address	Victim Reported Loss Amount / Loss Calculation
Maria Elena Lopez Camarena	422 South Ranch St., Santa Maria, CA	Brewer/Estrada	FDIC Acting as Receiver IndyMac Restitution Processing P.O. Box 971774 Dallas, TX 75397 (800) 568-9161	294,658
Nestor Rojas	603 West Edwards Street, Santa Maria, CA	Brewer/Sanchez	FDIC Acting as Receiver IndyMac Restitution Processing P.O. Box 971774 Dallas, TX 75397 (800) 568-9161	360,037
		Total		<u>1,915,955</u>

Restitution Total per Victim Lender

Freddie Mac	507,413
FDIC	1,091,610
JP Morgan Chase	316,932 *
Total	<u>1,915,955</u>

\* Loss calculated by taking the loan principle balance less REO/short sale amount.

Revised 08/11/2014



Federal Deposit Insurance Corporation

1601 Bryan Street, Dallas, TX 75201

Division of Resolutions and Receiverships

October 7, 2013

Mr. Dieter Willkomm  
Special Agent  
Federal Bureau of Investigation  
600 E. Plaza Drive  
Santa Maria, CA 93454  
([Dieter.Willkomm@ic.fbi.gov](mailto:Dieter.Willkomm@ic.fbi.gov))

Re: United States v. Estrada, Rosa

CA Central District Court Docket Number: 2:11-cr-01206-PSG

VICTIM IMPACT/LOSS STATEMENT OF THE FDIC (as Receiver for IndyMac)

TOTAL LOSS: **\$ 731,573.00**

Dear Mr. Willkomm:

This Victim Impact Statement of Loss is provided to the court by the FDIC as Receiver for IndyMac Bank ("FDIC-RI"), a victim in the above-referenced case. The total actual loss from the crimes committed by the defendant is calculated as **\$ 731,573.00**. The allocation of loss for the two loans is:

	Property Address	Original Loan Amount	Original Second Mortgage	Loss to FDIC-RI
1	2530 Laurie Way, Arroyo Grande CA 93420	\$ 750,000.00	\$ 200,000.00	\$ 436,915.00
2	422 South Ranch Street, Santa Maria, CA 93455	\$ 344,000.00	\$ 44,000.00	\$ 294,658.00
Totals		\$ 1,094,000.00		\$ 731,573.00

Under 12 U.S.C. § 1821(d) (2) (A), the FDIC, as receiver, succeeds to all the rights, titles, and privileges of a failed insured depository institution, including the right as the "victim" to receive criminal restitution. Because the FDIC, as receiver, "steps into the shoes" of a failed insured depository institution, the FDIC-RCB becomes the "victim" pursuant to 18 U.S.C. § 3663(a) (2) and 18 USC § 3663A(a)(2). *See, e.g., United States v. Vaknin*, 112 F.3d 579, 591 (1st Cir. 1997) and *United States v. Phaneuf*, 91 F.3d 255, 265 (1st Cir. 1996). In addition, pursuant to the MVRA, the FDIC, as receiver, is entitled to a mandatory order of restitution to the full extent of its losses, without consideration of the economic circumstances of the defendant. *See United States v. Dean*, 949 F. Supp. 782, 784-85 (D. Or. 1996).

The FDIC-RI is the only party entitled to restitution for these losses suffered by the failed insured financial institution. The depositors and creditors of the failed insured financial institution will be paid from available assets of the receivership in accordance with federal law. Restitution payments are among the assets of the receivership available for distribution. In 2007 the Department of Justice and the FDIC entered into a memorandum of understanding ("MOU") regarding the FDIC- RI's rights as a victim when it is appointed receiver for a failed financial institution. In particular, the MOU recognizes that the FDIC- RI is neither the "United States" for purposes of 18 U.S.C. § 3664(i) nor an insurer for purposes of 18 U.S.C. § 3664(j). If you need a copy, please let me know.

The FDIC- RI continues to pursue the liquidation of assets of the IndyMac Bank receivership. To the extent that future recoveries are realized, the defendant will be given credit, to the extent applicable, to the amount of restitution ordered by the Court.

To ensure that the defendant receives credit for payments made, remittances should be accompanied by,

*Defendant's name,*

*Case number:* 2: 11-CR-01206,

*IndyMac Bank, FIN 10007*, and sent to the following address:

FDIC Restitution Payments  
P.O. Box 971774  
Dallas, TX 75397-1774

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely Yours,

*Nav Gulati*

Nav Gulati, Resolutions and Receiverships Specialist, Criminal Investigations  
Restitutions Unit, Division of Resolutions and Receiverships  
Federal Deposit Insurance Corporation  
([nagulati@fdic.gov](mailto:nagulati@fdic.gov) )

cc:

Mr. Bob Rogers, Senior Attorney, FDIC

Mr. Curtis Sprague, Resolutions and Closings Manager, FDIC

file



Federal Deposit Insurance Corporation

1601 Bryan Street, Dallas, TX 75201

Division of Resolutions and Receiverships

August 7, 2014

Mr. Dieter Willkomm  
Special Agent  
Federal Bureau of Investigation  
600 E. Plaza Drive  
Santa Maria, CA 93454  
(Dieter.Willkomm@ic.fbi.gov)

Re: United States v. Brewer, Janeth et al  
CA Central District Court Docket Number: 11-cr-00762  
VICTIM IMPACT/LOSS STATEMENT OF THE FDIC (as Receiver for IndyMac)  
TOTAL LOSS: **\$ 360,037.00**

Dear Mr. Willkomm:

This Victim Impact Statement of Loss is provided to the court by the FDIC as Receiver for IndyMac Bank ("FDIC-RI"), a victim in the above-referenced case. The total actual loss from the crimes committed by the defendant is calculated as **\$ 360,037.00**. The allocation of loss for the two loans is:

	Property Address	Original Loan Amount	Original Second Mortgage	Loss to FDIC-RI
1	603 EDWARD ST, Santa Maria CA 93458	\$ 368,000.00	\$ 92,000.00	\$ 360,037.00
	Totals	\$ 368,000.00	\$ 92,000.00	<b>\$ 360,037.00</b>

Under 12 U.S.C. § 1821(d) (2) (A), the FDIC, as receiver, succeeds to all the rights, titles, and privileges of a failed insured depository institution, including the right as the "victim" to receive criminal restitution. Because the FDIC, as receiver, "steps into the shoes" of a failed insured depository institution, the FDIC-RI becomes the "victim" pursuant to 18 U.S.C. § 3663(a) (2) and 18 USC § 3663A(a)(2). *See, e.g., United States v. Vaknin*, 112 F.3d 579, 591 (1st Cir. 1997) and *United States v. Phaneuf*, 91 F.3d 255, 265 (1st Cir. 1996). In addition, pursuant to the MVRA, the FDIC, as receiver, is entitled to a mandatory order of restitution to the full extent of its losses, without consideration of the economic circumstances of the defendant. *See United States v. Dean*, 949 F. Supp. 782, 784-85 (D. Or. 1996).

The FDIC-RI is the only party entitled to restitution for these losses suffered by the failed insured financial institution. The depositors and creditors of the failed insured financial institution will be paid from available assets of the receivership in accordance with federal law. Restitution payments are among the assets of the receivership available for distribution. In 2007 the Department of Justice and the FDIC entered into a memorandum of understanding ("MOU") regarding the FDIC- RI's rights as a victim when it is appointed receiver for a failed financial institution. In particular, the MOU recognizes that the FDIC- RI is neither the "United States" for purposes of 18 U.S.C. § 3664(i) nor an insurer for purposes of 18 U.S.C. § 3664(j). If you need a copy, please let me know.

The FDIC- RI continues to pursue the liquidation of assets of the IndyMac Bank receivership. To the extent that future recoveries are realized, the defendant will be given credit, to the extent applicable, to the amount of restitution ordered by the Court.

To ensure that the defendant receives credit for payments made, remittances should be accompanied by,

*Defendant's name,*

*Case number: 11-CR-00762,*

*IndyMac Bank, FIN 10007, and sent to the following address:*

FDIC Restitution Payments

P.O. Box 971774

Dallas, TX 75397-1774

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely Yours,

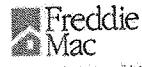
*Nav Gulati*

Nav Gulati, Resolutions and Receiverships Specialist, Criminal Investigations  
Restitutions Unit, Division of Resolutions and Receiverships  
Federal Deposit Insurance Corporation  
([nagulati@fdic.gov](mailto:nagulati@fdic.gov))

cc:

Mr. Bob Rogers, Senior Attorney, FDIC

Mr. Curtis Sprague, Resolutions and Closings Manager, FDIC  
file



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REO Unit  
Comments: Do not  
highlight, copy or forward.

## Repurchase Loss Statement for Seller/Servicer Repurchases

### Federal Home Loan Mortgage Corporation (Single Family Servicing)

Freddie Mac Repurchase Contact: [reo\\_repurchase\\_calculations@freddiemac.com](mailto:reo_repurchase_calculations@freddiemac.com)

Phone (000) 000-0000

Report # 5556

Address: Freddie Mac  
P.O. Box 730453  
Dallas, TX 75373-0453

Run Date: 07/25/2012

FM Loan # 331095424 - FM Asset # 586741 / Servicer Loan # 1008499582

Seller/Servicer # 116770  
Billing Date: 7/25/2012  
Repurchase Issue Date: 8/25/2008

Previous Owner &amp; Property Address

SANCHEZ, ESTELA G  
1038 OLD OAK ROAD  
SANTA MARIA, CA - 93454

ANY	6.125%	Settlement Date	6/11/2008
DDLPI	7/1/2007	REO Holding Period (Days)	83
Foreclosure Sale Date	3/20/2008	Avg Days for holder Payoff	150
Participation Percentage	100		
Proj. Repurchase Due Dt:	8/1/2012		

MI Proceeds date	
Days MI Proceeds held	0
Days past holder payoff	196
Short term cost of funds rate	4.50%
Net Yield Eff Date for ARMs	11/29/2006

Components	Calculation	Explanation
Sales Price	\$206,475.00	Sales Proceeds received at the disposition of the property
Unpaid Principle Balance	(\$284,800.00)	
Selling Expense	(\$12,720.00)	
Lost Interest Recorded	(\$7,168.77)	
<b>EXPENSES INCURRED:</b>		
Total Expenses:	(\$14,915.41)	
General & Administrative	(\$1,100.00)	
Deed Preparation	\$0.00	
<b>PROCEEDS//INCOME:</b>		
Mortgage Insurance Proceeds	\$0.00	
Repurchase Proceeds	\$0.00	
Other Income	\$0.00	
Other Proceeds/(Expense)	\$4,328.86	
<b>LOSS</b>	<b>(\$109,900.32)</b>	

<b>BORROWING EXPENSES ON COSTS:</b>		
Principal Passed to Investor		
\$284,800.00	4.50%	196 \ 365
		(\$6,882.02)
Expenses Incurred		
\$14,915.41	4.50%	42 \ 365
		(\$76.31)
<b>Total Borrowing Expenses</b>		<b>(\$6,958.33)</b>
<b>INVESTMENT INCOME ON PROCEEDS:</b>		
MI Proceeds		
\$0.00	4.50%	0 \ 365
		\$0.00
Repurchase Proceeds		
\$0.00	4.50%	0 \ 365
		\$0.00
Other Income		
\$0.00	4.50%	42 \ 365
		\$0.00
Other Proceeds/Expenses		
\$4,328.86	4.50%	42 \ 365
		\$22.15
<b>Total Investment Income</b>		<b>\$22.15</b>
<b>NET COSTS</b>		
Interest Expense from Settlement:		
		(\$116,836.50)
		(\$864.27)
<b>ESTIMATE AMOUNT DUE FROM SERVICER</b> (Amount Due does NOT include Late Remittance Fees)		<b>(\$117,700.77)</b>

Accrued Late Remittance Fee:		Outstanding Late Remittance Fee on past due repurchase demand from Due Date to Settlement. (*)
(Late Remittance Fee assessed pursuant to Section 78.7):		Late Fee must be paid when remitting Makewhole funds.

Balance Due if paid by	8/1/2012	(\$117,700.77)	Remit this Amount if it is Negative
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PER DIEM IF PAID AFTER	8/1/2012	(\$14.51)	Late Remittance Fee to continue if remains unpaid.
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### Additional Loan Information

#### Listing Information:

Current List Price: \$183,250  
Listing Date: 04/22/2008  
BPO Values:  
As Is BPO Value: \$199,000  
Repaired BPO Value: \$201,800

#### HOA Information:

IsThereHOA?: N  
IsThere2ndHOA?: N  
Latest Approved Offer Info:  
AMT\_OFER: \$207,000.00  
DT\_OFER\_ACCPTD: 05/02/2008

#### Improvements:

Improvement: \$1,800  
PCC Received Date: 4/7/2008

### Broker Information

#### Company and Owner Contact:

WHY USA PREFERRED PROPERTIES

NOELLE COSMA

(805) 922-0660

WHYUSASM@VERIZON.NET

#### Address:

4869 S BRADLEY RD #104

SANTA MARIA

CA 93455

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REO Unit  
Commercial - Dallas  
1800-683-2200 ext. 71000

## Repurchase Loss Statement for Seller/Servicer Repurchases

### Federal Home Loan Mortgage Corporation (Single Family Servicing)

Freddie Mac Repurchase Contact: reo\_repurchase\_calculations@freddiemac.com

Phone (000) 000-0000

Report # 5556

Address: Freddie Mac  
P. O. Box 730453  
Dallas, TX 75373-0453

Run Date: 07/25/2012

FM Loan # 327513888 - FM Asset # 585570 / Servicer Loan # 1006914921

Seller/Servicer # 116770  
Billing Date: 7/25/2012  
Repurchase Issue Date: 7/23/2008Previous Owner & Property Address  
GAYTAN, MANUEL G  
1109 WEST ROSEWOOD DR  
SANTA MARIA, CA - 93458ANY 6.250% Settlement Date 6/2/2008  
DDLPI 6/1/2007 REO Holding Period (Days) 84  
Foreclosure Sale Date 3/10/2008 Avg Days for holder Payoff 150  
Participation Percentage 100  
Proj. Repurchase Due Dt: 8/1/2012MI Proceeds date  
Days MI Proceeds held 0  
Days past holder payoff 217  
Short term cost of funds rate 4.50%  
Net Yield Eff Date for ARMs 02/09/2006

Components	Calculation	Gain/Loss	Explanation
Sales Price		\$199,853.50	Sales Proceeds received at the disposition of the property
Unpaid Principle Balance		(\$355,989.50)	
Selling Expense		(\$13,075.00)	
Lost Interest Recorded		(\$8,143.57)	
<b>EXPENSES INCURRED:</b>		(\$12,345.75)	
Total Expenses:		(\$1,100.00)	
General & Administrative		\$0.00	
Deed Preparation		\$0.00	
<b>PROCEEDS/INCOME:</b>			
Mortgage Insurance Proceeds		\$0.00	
Repurchase Proceeds		\$0.00	
Other Income		\$0.00	
Other Proceeds/(Expense)		\$2,199.97	
<b>LOSS:</b>		(\$189,600.35)	
<b>BORROWING EXPENSES ON COSTS:</b>			Interest paid by Freddie Mac at prime minus 1/2% (Freddie Mac's cost of funds rate) on borrowing funds used to pay obligations.
Principal Passed to Investor		(\$9,523.94)	
\$355,989.50 4.50% 2171 365			
Expenses Incurred		(\$63.93)	Interest paid on expenses is averaged over the REO Holding Period
\$12,345.75 4.50% 42 365			
<b>Total Borrowing Expenses</b>		(\$9,587.87)	
<b>INVESTMENT INCOME ON PROCEEDS:</b>			Interest at Freddie Mac's cost of funds rate on funds received by Freddie Mac that will be netted against Servicer's repurchase obligation.
MI Proceeds		\$0.00	
\$0.00 4.50% 01 365			
Repurchase Proceeds		\$0.00	
\$0.00 4.50% 01 365			
Other Income		\$0.00	Interest is accrued on MI proceeds beginning the date received, whereas Other income and Other proceeds are averaged over the REO Holding Period.
\$0.00 4.50% 42 365			
Other Proceeds/Expenses		\$11.39	
\$2,199.97 4.50% 42 365			
<b>Total Investment Income</b>		\$11.39	
<b>NET COSTS</b>		(\$199,176.82)	Summation of items above.
Interest Expense from Settlement:		(\$1,473.36)	Accrued Interest expense on Net Costs from Settlement to Repurchase/Makewhole Due Date
<b>ESTIMATE AMOUNT DUE FROM SERVICER</b> (Amount Due does NOT include Late Remittance Fees)		(\$200,650.18)	
Accrued Late Remittance Fee: (Late Remittance Fee assessed pursuant to Section 78.7.)			Outstanding Late Remittance Fee on past due repurchase demand from Due Date to Settlement. (*) Late Fee must be paid when remitting Makewhole funds.
Balance Due if paid by	8/1/2012	(\$200,650.18)	Remit this Amount if it is Negative

PER DIEM IF PAID AFTER

8/1/2012

(\$24.74)

Late Remittance Fee to continue if remains unpaid.

### Additional Loan Information

**Listing Information:**

Current List Price: \$199,990

**HOA Information:****Improvements:**

IsThereHOA?: N Improvement : \$2,500

Listing Date: 04/17/2008

IsThere2ndHOA?: N

**BPO Values:**

Latest Approved Offer Info:

**PCC Received Date:**

As Is BPO Value: \$245,000

AMT\_OFR: \$207,000.00

4/7/2008

Repaired BPO Value: \$255,000

DT\_OFR\_ACCPTD: 04/25/2008

### Broker Information

**Company and Owner Contact:****Address:**

COLDWELL BANKER PREMIER RE

2540 PROFESSIONAL PKWY

SHAY MURPHY

SANTA MARIA

CA 93455

(805) 934-1000

SMURPHY@PREMIERLEND.COM

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## Repurchase Loss Statement for Seller/Servicer Repurchases

### Federal Home Loan Mortgage Corporation (Single Family Servicing)

Freddie Mac Repurchase Contact: [re\\_o\\_repurchase\\_calculations@freddiemac.com](mailto:re_o_repurchase_calculations@freddiemac.com)

Phone (000) 000-0000

REO Unit  
Comments: Do not  
reproduce, copy or forward.Address: Freddie Mac  
Report # 5556  
P. O. Box 730453  
Dallas, TX 75373-0453

Run Date: 07/25/2012

FM Loan # 781472717 - FM Asset # 613498 / Servicer Loan # 145966464

Seller/Servicer # 204305  
Billing Date: 7/25/2012  
Repurchase Issue Date:

Previous Owner &amp; Property Address

GONZALEZ, V  
735 WEST RANIER WAY  
SANTA MARIA, CA - 93458

ANY	5.075%	Settlement Date	5/8/2009	MI Proceeds date
DDLPI	1/1/2008	REO Holding Period (Days)	239	Days MI Proceeds held 0
Foreclosure Sale Date	9/11/2008	Avg Days for holder Payoff	150	Days past holder payoff 343
Participation Percentage	100			Short term cost of funds rate 2.75%
Proj. Repurchase Due Dt:	8/1/2012			Not Yield Eff Date for ARMs 01/30/2007
Components		Calculation		
		Gain/Loss		Explanation
Sales Price		\$244,491.16		Sales Proceeds received at the disposition of the property
Unpaid Principle Balance		(\$408,000.00)		
Selling Expense		(\$17,650.00)		
Lost Interest Recorded		(\$9,850.68)		
<b>EXPENSES INCURRED:</b>		(\$17,087.59)		
Total Expenses:		(\$1,100.00)		
General & Administrative		\$0.00		
Deed Preparation				
<b>PROCEEDS/INCOME:</b>				
Mortgage Insurance Proceeds		\$0.00		
Repurchase Proceeds		\$0.00		
Other Income		\$0.00		
Other Proceeds/(Expense)		\$1,283.91		
<b>LOSS</b>		(\$207,913.20)		
<b>BORROWING EXPENSES ON COSTS:</b>				Interest paid by Freddie Mac at prime minus 1/2% (Freddie Mac's cost of funds rate) on borrowing funds used to pay obligations.
Principal Passed to Investor		(\$10,543.73)		
\$408,000.00 2.75% 343 \ 365				Interest paid on expenses is averaged over the REO Holding Period
Expenses Incurred		(\$153.85)		
\$17,087.59 2.75% 120 \ 365				
<b>Total Borrowing Expenses</b>		(\$10,697.57)		
<b>INVESTMENT INCOME ON PROCEEDS:</b>				Interest at Freddie Mac's cost of funds rate on funds received by Freddie Mac that will be netted against Servicer's repurchase obligation.
MI Proceeds		\$0.00		
\$0.00 2.75% 01 365				
Repurchase Proceeds		\$0.00		
\$0.00 2.75% 01 365				
Other Income		\$0.00		
\$0.00 2.75% 120 \ 365				Interest is accrued on MI proceeds beginning the date received, whereas Other income and Other proceeds are averaged over the REO Holding Period.
Other Proceeds/Expenses		\$11.56		
\$1,283.91 2.75% 120 \ 365				
<b>Total Investment Income</b>		\$11.56		
<b>NET COSTS</b>		(\$218,599.22)		Summation of items above.
Interest Expense from Settlement:		(\$988.19)		Accrued Interest expense on Net Costs from Settlement to Repurchase/Makewhole Due Date
<b>ESTIMATE AMOUNT DUE FROM SERVICER</b> (Amount Due does NOT include Late Remittance Fees)		(\$219,587.41)		

Accrued Late Remittance Fee: (Late Remittance Fee assessed pursuant to Section 78.7.)		Outstanding Late Remittance Fee on past due repurchase demand from Due Date to Settlement. (*)
		Late Fee must be paid when remitting Makewhole funds.

Balance Due if paid by	8/1/2012	(\$219,587.41)	Remit this Amount if it is Negative
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PER DIEM IF PAID AFTER	8/1/2012	(\$16.54)	Late Remittance Fee to continue if remains unpaid.
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### Additional Loan Information

Listing Information:	HOA Information:	Improvements:
Current List Price: \$259,500	IsThereHOA?: N	Improvement: \$0
Listing Date: 05/05/2009	IsThere2ndHOA?: N	
BPO Values:	Latest Approved Offer Info:	PCC Received Date:
As Is BPO Value: \$260,000	AMT_OFER: \$255,000.00	9/14/2008
Repaired BPO Value: \$260,000	DT_OFER_ACCPTD: 03/19/2009	

### Broker Information

Company and Owner Contact:	Address:
WHY USA PREFERRED PROPERTIES NOELLE COSMA	4869 S BRADLEY RD #104 SANTA MARIA CA 93455
(805) 922-0660	WHYUSASM@VERIZON.NET

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EXHIBIT B

# Guideline Loss Summary for Fraudulent VODs & VOEs

## U.S. v. Janeth Brewer

Borrower	Address	Parties	Lender	Victim	Loan Principle	REO Sales	Loss
Petra/Valente Sanchez Gonzales	735 W Rainer Way Santa Maria, CA	Brewer/Estrada	Central Coast One Stop Mortgage Group	Federal Home Loan Corp	408,000 102,000	255,000	255,000
Manuel & Elizabeth Gayton	1109 Rosewood Dr Santa Maria, CA	Estrada/Brewer	Central Coast One Stop Mortgage Group	Federal Home Loan Corp	356,000 66,750	207,000	215,750
Estella Sanchez	1038 Old Oak Rd. Santa Maria, CA	Estrada/Brewer	Central Coast One Stop Mortgage Group	Federal Home Loan Corp	284,800 71,200	207,000	149,000
Ofelia Venegas	1646 Chadwell Dr. Santa Maria, CA	Brewer/Estrada	Argent Mortgage	JPMorgan Chase	593,750	276,818	316,932
Estanisiao Acevedo	436 E Taylor St. Santa Maria, CA	Brewer/Estrada	Alliance Bancorp	Unknown	348,000 18,000	123,000	243,000
Steven & Monica Pallan	2530 Laurie Way Arroyo Grande, CA	Brewer/Sanchez/Estrada	IndyMac	FDIC	750,000 200,000	626,000	324,000
Maria Elena Lopez Camarena	4222 South Ranch St. Santa Maria, CA	Brewer/Estrada	IndyMac	FDIC	344,000 43,000	160,000	227,000
Nestor Rojas	603 W Edwards St. Santa Maria, CA	Brewer/Sanchez	Central Coast One Stop Mortgage Group	FDIC	368,000 92,000	170,000	290,000
		Brewer/Sanchez	Central Coast One Stop Mortgage Group				<u>2,020,682</u>
						Total	

\*Revised 08/11/2014

**CERTIFICATE OF SERVICE**

I, YENI GOMEZ, declare:

That I am a citizen of the United States and a resident of or employed in Los Angeles County, California; that my business address is the Office of United States Attorney, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of 18; and that I am not a party to the above-titled action;

That I am employed by the United States Attorney for the Central District of California, who is a member of the Bar of the United States District Court for the Central District of California, at whose direction the service by mail described in this Certificate was made; that on **August 12, 2014** I deposited in the United States mail at the United States Courthouse in the above-titled action, in an envelope bearing the requisite postage, a copy of: **GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE FOR SUBSTANTIAL ASSISTANCE PURSUANT TO USSG § 5K1.1 AND STATEMENT OF SENTENCING POSITION**

service was:

Placed in a closed envelope for collection and inter-office delivery, addressed as follows:

Placed in a sealed envelope for collection and mailing via United States mail, addressed as follows:

By hand delivery, addressed as follows:

By facsimile, as follows:

By messenger, as follows:

By electronic mail, as follows:

Maytee Zendejas  
U.S. Probation Office  
21041 Burbank Blvd., Suite 200  
Woodland Hills, CA 91367-6606

at their last known address, at which place there is a delivery service by United States mail.

This Certificate is executed on August 12, 2014 at Los Angeles, California. I certify under penalty of perjury that the foregoing is true and correct.

~~Yeni Gomez  
Legal Assistant~~